

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARILYN HERNANDEZ, individually
and on behalf of all others similarly
situated,

Plaintiff,

V.

BPS DIRECT, L.L.C. d/b/a BASS PRO
SHOPS,

Defendant.

Civil Action No. 23-cv-00413-LKG

JOINT STATUS REPORT REGARDING PRE-MOTION CONFERENCE

Plaintiff Marilyn Hernandez and Defendant BPS Direct, L.L.C. d/b/a Bass Pro Shops (“BPS”) (collectively, “the Parties”), by and through their respective counsel, provide the following update to the Court in connection with the Pre-Motion Conference presently set for Wednesday June 14, 2023 at 3:00 p.m.

- 1) This is one of eight cases pending against either BPS Direct LLC or Cabela's LLC regarding the use of session replay technology on the basspro.com and cabelas.com retail websites.
- 2) On June 2, 2023, the Judicial Panel on Multidistrict Litigation entered a Transfer Order transferring 6 of those cases to newly-created MDL No. 3074, which will be venued in the Eastern District of Pennsylvania.
- 3) On June 7, 2023, the JPML entered a conditional transfer order (CTO-1) conditionally transferring this case to MDL No. 3074. This CTO-1 is attached hereto as Exhibit A.
- 4) Neither party herein intends to object to the transfer and the Parties therefore expect that the transfer will be final on June 14, 2023.

5) Prior to the aforementioned JPML orders, Plaintiff herein had filed notice of her intent to stay this proceeding pending a determination by the JPML as to whether an MDL would be created. [Docket No. 12]

6) It is this issue that is set for pre-motion conference before the Court on June 14, 2023. [Docket No. 16]

7) In light of the JPML Transfer Order as well as the Conditional Transfer Order conditionally transferring this case, the Parties respectfully suggest that this Court need not expend its judicial resources on this case which will be transferred to the Eastern District of Pennsylvania.

8) The Parties agree that Plaintiff's notice of motion to stay pending JPML determination is moot in light of the JPML ruling; however, to the extent the Court deems it necessary, the Parties further agree to a stay of this matter in this Court pending its transfer to the Eastern District of Pennsylvania.

Dated: June 9, 2023

Respectfully submitted,

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Respectfully submitted,

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